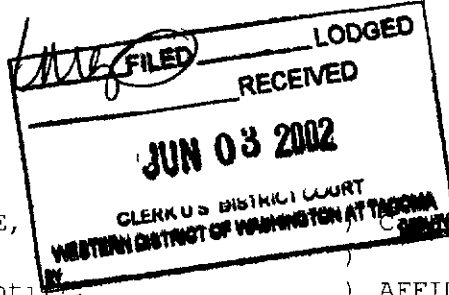


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA



RECEIVED
MAY 31 2002

OFFICE OF THE ATTORNEY GENERAL
LABOR & PERSONNEL DIVISION

KATHLEEN M. HOUSE,

Plaintiff,

vs

WASHINGTON STATE DEPARTMENT OF FISH

AND WILDLIFE, AND THE STATE OF

WASHINGTON,

Defendant

No. No C98-5262

) AFFIDAVIT IN SUPPORT OF PLAINTIFF'S
) MOTION FOR CONTINUANCE OF DISCOVERY

THIS INSTRUMENT HEREBY ACKNOWLEDGES that the undersigned, Kathleen M House, is of legal age, and does hereby swear and affirm that the following is true and accurate, to the best of her knowledge, under penalty of perjury

That I am the plaintiff in the above-named case and make this affidavit in support of the attached motion for continuance of discovery

EFFECT LOSS OF INCOME ON ABILITY TO PROSECUTE

As a consequence of opposition to acts by the State of Washington illegal under federal and state law, I have been deprived of my career, my health, my car, medical care and any means of adequately supporting myself. Most importantly, I have been deprived of the self-respect and agency that comes from being able to support myself and to be paid well for



1 work that is recognized as skilled and valuable These losses have had great
2 impact on my ability to timely pursue this case. I no longer have the home in
3 which my computer, printer and case files were available to me A month ago,
4 the lack of work sufficient to pay the basic necessities of rent, food,
5 utilities, and telephone service forced me to be evicted from my home of six
6 years When I first moved there in July of 1996, the rent was slightly over
7 a quarter of my net income As a result of losing all employment in my
8 profession, that proportion grew to over a hundred percent Almost all of my
9 possessions, including the majority of the documents in my possession
10 relevant to this case, are in storage and unavailable to me when needed
11 because I have no transportation I am unable to pay for housing for myself
12 and am now dependant on charity for this I have spent most of the last four
13 months in efforts to find adequate work and affordable shelter

14 The devastating effect on a person's morale, sense of agency and self-
15 respect of losing one's means of making a living should need no explanation

16 EFFORTS AT FINDING WORK

17 1 Professional work

18 I have diligently searched for work in the years since 1997. The
19 facts concerning the failure of the State of Washington to obey federal,
20 state and its own Merit System laws in rehiring me as a computer professional
21 are documented in the Motion for Injunctive Relief I filed in the instant
22 case in 1999 In applying for professional positions outside the State of
23 Washington, I most commonly encountered two obstacles 1 a cessation of
24 interest by the prospective employer after I had given them a resume that
25 included the State of Washington as my most recent employer in the computer

1 The very openness of employers in stating discriminatory reasons for
2 not hiring women showed that Olympia employers did not fear enforcement of
3 state and federal equal opportunity laws. Intake personnel at the Washington
4 State Human Rights Commission told me that no one had ever complained before
5 about job discrimination in manual labor in Olympia before, that they had not
6 noticed any job segregation in the manual labor market, that in any case,
7 I was required to file a complaint in which my name would be known to the
8 employer in order to have any complaint investigated, that they
9 could offer no protection against my being blacklisted as a result of
10 filing a complaint, that such practice was a common result, that further
11 legislation would be needed to make existing state laws enforceable, and
12 finally, erroneously told me that there were no laws prohibiting retaliation
13 for protesting acts prohibited under the Washington State Human Rights
14 statutes. The intake process at the Human Rights Commission permits this
15 discouragement of workers because a complainant must be interviewed by an
16 intake person from the Commission as a first step in filing a complaint. As
17 this part of the process is entirely verbal, no means exist of holding Human
18 Rights Commission personnel accountable for what they tell complainants.
19 Complainants who attempt to file a written complaint are prevented from doing
20 so, and in attempting to do so are treated with extreme and open discourtesy
21 by Commission employees. Any complaint submitted in writing over these
22 obstacles would almost certainly not be investigated in good faith.
23 Conditions for workers attempting to file complaints with the Washington
24 State Human Rights Commission mirror those I encountered at the Seattle
25 office of the Equal Employment Opportunity Commission and documented in my

1 Motion for Appointment of Counsel filed in 1999 The means and motives
2 for discouraging workers with valid complaints are the same for both
3 organizations lack of accountability for primary contact personnel, a lack
4 of commitment to the legislative goals that created the agencies,
5 insufficient resources to attain agency goals, inadequately trained staff and
6 a workload so overwhelming as to make clearing complaints by any means
7 possible the agency priority

8 DETERRENT EFFECTS OF COURT DECISIONS

9
10 Actions of this court in this and the related discrimination case, C97-
11 5708, have made it appear increasingly futile to continue to prosecute this
12 case Insurmountable difficulties have been created by a lack of counsel,
13 lack of access to defendants' documents critical to the outcome of this case,
14 and the lack of means to transcribe critical evidence in my possession. In
15 addition, the course of these cases has shown that safeguards fundamental to
16 the integrity of the legal process may not be relied upon Such safeguards
17 included the principle of stare decisis, rules of evidence and the laws of
18 perjury In the related discrimination case, C97-5708, a motion to compel
19 critical, routinely discovered documents was denied in an order based on an
20 8th Circuit case This case was cited as controlling precedent where it was
21 apparent the defendants had intentionally mis-cited the case to this circuit
22 The order was affirmed without comment by the 9th Circuit court in an
23 unpublished decision The many published 9th Circuit decisions that support
24 this and the previous action are of no use when the principle of stare
25 decisis may be so lightly set aside

A critical subpoena request for C97-5708 was denied on the grounds that

1 I should have first filed a motion to compel the documents from the
2 defendant The defendants refused, without specificity, to provide documents
3 in their control that were named in the subpoena request My subsequent
4 motion to compel these documents from the defendants was denied The hearing
5 for this motion was cancelled and the motion denied because the Washington
6 State Attorney General's office used its ability to supercede Federal
7 certified mail procedures to falsely state that it was not served Although
8 I provided the certificate of mailing showing that I had timely served the
9 defendants and evidence showing the State's Attorney General's office ability
10 to falsely record the date on which it received certified mail, this was
11 disregarded by the court The subpoena request itself was denied based
12 on a false statement by the defendants of the date of the denial I appealed
13 This was directly contradicted by the court-recorded date of the order
14 denying the subpoena request and by my appeal of that request All of these
15 facts were before the court when the appeal of the motion to compel and the
16 subpoena requests were denied. Again, the 9th Circuit Court of Appeals
17 confirmed these denials without comment When clear evidence such as this
18 has no value, any evidence I submit may be of no use

19
20 Defendants Jim Eby, Tom Owens, Penny Cusick and Sandra Turner committed
21 perjury in sworn documents submitted to this court and to the EEOC In
22 C97-5708, this was particularly evident in Jim Eby's and Tom Owen's
23 deposition attachments to the motion for summary judgment, in Penny Cusick's
24 affidavit supporting denial of discovery, and in Sandra Turner's submission
25 of falsified documents to the EEOC, and her subsequent statement to this
court that the most obviously perjured page of documents had become "lost"

1 This felony crime carried no penalty for the defendants whatsoever; instead,
2 their unsupported statements as to departmental procedures were granted
3 sufficient credence to dismiss C97-5708 without trial Where unsupported
4 statements from perjured affiants are accepted as dispositive evidence,
5 defendants' incentive to lie remains as it was from the beginning. to
6 protect agents of the State of Washington from the consequences of their
7 illegal acts There is no disincentive, as perjury committed in civil cases
8 is not prosecuted

9 The most egregious violation of perjury law has been in this case, by
10 the State Attorney General's office Sharon Kozar, a paralegal for that
11 office, submitted a perjured affidavit in the instant case over Assistant
12 Attorney General Stewart Johnston's signature. This is subornation of
13 perjury, ostensibly one of the most serious violations of the laws of
14 perjury Sharon Kozar also made false statements in C97-5708 that that she
15 had left certain documents at my residence Stewart Johnston was not alone
16 in this cynical use of a female subordinate in a support staff position to
17 assume the risk of penalties for obstruction of justice Sandra Turner,
18 the sole African American female employee in the Olympia Wildlife personnel
19 division, was responsible for the submission under oath of altered documents
20 and false statements made by Jim Eby and Chris Ringo, among others She was
21 the defendants' designated respondent to discovery requests and was also
22 nominally responsible for over five months of obstruction of my 1999 request
23 to correct retaliatory actions concerning my personnel file Any intentional
24 obstruction of discovery could be attributed to her alone, other obstruction
25 could be attributed to her incapacity, as she had repeatedly admitted her
lack of any computer skills and had no other particular qualifications for

1 the duty of respondent Although Penny Cusick willingly embraced the role of
2 perjurer in this case as early as 1995, and although her promotion from
3 Personnel Officer to head of the agency's personnel division may somewhat
4 compensate her for the risks involved, the beneficiaries of her actions have
5 been male employees of the agency Whatever her personal inclinations, as an
6 employee of a support unit, she retains the vulnerability shown in her
7 statement to a former subordinate that to retain her health insurance and
8 her income, she would do anything the department asked of her. Karen
9 Dickerson testified to Ms Cusick's making this statement in response to Ms
10 Dickerson' voicing concern over unethical acts by Ms. Cusick in a deposition
11 I took in 1998

12 Two other series of decisions by this court have made prosecuting this
13 case appear increasingly futile the denial of appointment of counsel,
14 including the court's failure to regulate the acts of attorneys selected by
15 the pro bono panel, and the consequent denial of funds necessary for me to
16 bring deposition and hearing evidence into court. The necessity of counsel
17 and subsequent failure of attorneys to abide by court directives have been
18 documented in the motions concerning this matter filed in the instant case
19 As a result of the State's forcing me into extreme poverty, I cannot afford
20 transcription of six depositions I took in 1998 The State Personnel Board
21 of Appeals refused to provide a written transcription of either hearing
22 connected with this case. I cannot afford transcriptions of these hearings
23 I therefore have no means of bringing evidence into court comparable to
24 depositions paid for at state expense and made either by agents of the
25 defendants or by employees whose jobs are at the disposal of the defendant

CONCLUSION

Since the minute order was issued in this case in November of 2001, I have had to contend with the loss of work adequate to support and house myself, with being forced from my home and made to depend on charity, and with the apparent increasing futility of continuing to pursue this case. All of this has made it insurmountably difficult to write the motions necessary to compel evidence from the defendants. Further discovery is necessary because the direct evidence of my depositions and the Personnel Appeals Board hearings is not available to me, because the defendants refused to comply with the initial discovery requests made in this case and because of the apparently nugatory value of the documentary evidence in my possession.

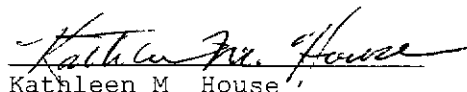
For these reasons, I respectfully request that the court grant an extension of the deadline for discovery cutoff, originally June 3rd, 2002.

Dated May 31, 2002


KATHLEEN HOUSE, PRO SE

Statement of Service

I certify that I have served a copy of the attached Motion for Continuance of Discovery and supporting affidavit on defendant's attorney by leaving same at defendant's office at 905 Plum Street, SE, Building 3, Olympia, Washington or by mailing same via first-class mail to 905 Plum Street, SE, Building 3, P O. Box 40145, Olympia, Washington 98504-0145 on May 31, 2002.


Kathleen M House